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USE AND APPLICATION OF UNITED NATIONS STANDARDS AND NORMS IN CRIME PREVENTION AND CRIMINAL JUSTICE

Report of the Secretary-General

Summary

The present report has been prepared pursuant to Economic and Social Council resolution 1996/16. It provides an overview of the current system for the gathering of information on the use and application of United Nations standards and norms in crime prevention and criminal justice. It contains comments received from States on the desirability of establishing an inter-sessional working group to examine the reports on the use and application of the standards and norms and to recommend to the Commission further action. It also highlights activities undertaken to promote the standards and norms, *inter alia*, training courses, advisory services and dissemination of information, including the use of such channels of information as the World Wide Web, as well as cooperative efforts with other United Nations programmes and relevant organizations.

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INTRODUCTION

1. The present report updates previous reports on the activities aimed at promoting the use and application of existing United Nations standards and norms in crime prevention and criminal justice pursuant to Economic and Social Council resolutions 1992/22, section VII, 1993/34, section III, 1994/18, 1995/13, and 1996/16, as well as General Assembly resolution 50/181 of 22 December 1995.

2. In accordance with Economic and Social Council resolution 1996/16, an overview is given of the activities undertaken by the Secretariat to promote the United Nations crime prevention and criminal justice standards and norms, *inter alia*, by means of advisory services and technical assistance, training seminars and dissemination of information, as well as cooperation and collaboration with other relevant entities.

3. In addition, as the Secretary-General was requested to develop possible further action to assist Member States in putting international instruments into practice, their views on the establishment of an inter-sessional working group are summarized. Such a working group would assist the Commission on Crime Prevention and Criminal Justice in its task of keeping under review the use and application of United Nations standards and norms in crime prevention and criminal justice.

I. THE INFORMATION-GATHERING SYSTEM: TOWARDS A PROPER ASSESSMENT

A. Additional replies to the 1996 questionnaires on standards in crime prevention and criminal justice

4. The Secretary-General submitted to the Commission at its fifth session four surveys on the use and application of the following five instruments: the Standard Minimum Rules for the Treatment of Prisoners[1] (E/CN.15/1996/16/Add.1); the Code of Conduct for Law Enforcement Officials,[2] together with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials[3] (E/CN.15/1996/16/Add.2); the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power[4] (E/CN.15/1996/16/Add.3); and the Basic Principles on the Independence of the Judiciary[5] (E/CN.15/1996/16/Add.4). Those surveys for the first time provided some quantitative and qualitative data on major trends, with suggestions for follow-up activities.

5. In the ensuing discussion by the Commission, it was emphasized that work on data-gathering should be continued, and it was proposed that the collected information should be made available on an electronic database by criminal justice sector and by country.[6]

6. In its resolution 1996/16, the Council urged Governments that had not yet replied to the questionnaires on the four standards in crime prevention and criminal justice to do so. In response, additional replies were submitted by a number of States, as follows:

(a) With respect to the Standard Minimum Rules for the Treatment of Prisoners, Belarus, Brazil, Cambodia, Chile, Cook Islands, Dominican Republic, Ecuador, Estonia, Guyana, Iceland, India, Panama and Poland forwarded their respective contributions, so that in total 85 States have so far replied;

(b) With reference to the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms, additional replies were received from Croatia, Estonia, Guyana, India, Micronesia (Federated States of), Nigeria, Panama, Slovakia, Slovenia and Tunisia, making a total of 75 States that have replied;

(c) With regard to the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, a total of 52 replies were received, including additional replies from the Cook Islands, Costa Rica, Estonia, Guyana, India, Niger, Panama and Portugal;

(d) Finally, with reference to the Basic Principles on the Independence of the Judiciary, additional information was received from the Cook Islands, Costa Rica, Estonia, India, Lebanon, Malaysia, Mongolia, Panama and Poland, bringing the total number of replies to 66.

7. As Member States have reacted positively to the recommendations of the Council to continue to submit replies to the questionnaires, it may be opportune for the Commission to consider not only its procedures for the review of the additional information, but also the appropriate time, giving a clear message to those States which have not yet done so to contribute to the surveys, and requesting the Secretary-General to analyse the newly received information and to continue to improve the reporting process.

B. Views on establishing an inter-sessional working group

8. Pursuant to resolution 29 of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,[7] an ad hoc Meeting of Experts for the Evaluation of Implementation of United Nations Norms and Guidelines in Crime Prevention and Criminal Justice was held at Vienna from 14 to 16 October 1991

(E/CN.15/1992/4/Add.4, annex). The Meeting of Experts suggested the appointment of temporary or permanent advisers, or the establishment of working groups, when a particular issue was considered to be highly important for the overall improvement of the crime prevention and criminal justice system, or was too complex to be dealt with on an in-sessional basis. In addition, the Council, in its resolution 1993/34, section III, requested the Commission to establish an open-ended in-sessional working group, in order to discuss the role of the United Nations in promoting the use and application of standards and norms; the evaluation of the reporting system and other sources of information; and measures to improve the dissemination of information, education and technical assistance to enhance their use and application.

9. Furthermore, in its resolution 1996/16, the Council requested the Secretary-General to prepare a report incorporating comments sought from Governments on the desirability of establishing an inter-sessional working group to examine the reports on the use and application of United Nations standards and norms in crime prevention and criminal justice in more detail, and to recommend to the Commission possible further action to assist Member States in translating those instruments into practice.

10. As of 18 February 1997, replies from the following 13 States had been received: Argentina, Austria, Belarus, Brazil, Cyprus, Estonia, Finland, Germany, Greece, India, Japan, Mexico and Spain.

11. Argentina welcomed all specific activities designed to improve the analysis of data and information, as well as to reach conclusions that would contribute to the implementation of the United Nations standards and norms, and it believed that an inter-sessional working group would be highly useful. The activities of such a working group should be preceded by a study of the methodology of analysis, which would contribute to the effective use of the information to be examined. In addition, it would be useful if the conclusions of the working group could be disseminated in advance, before the Commission examined its proposals and recommendations, in order to give States an opportunity to contribute to the analysis.

12. Austria supported the idea of establishing an inter-sessional working group and stated that the usefulness of such a group would depend on the quality and quantity of the reports that the group was to examine.

13. Belarus recognized the need to establish the proposed inter-sessional working group to examine the reports in greater detail. In particular, the practical experience gained by States with respect to the application of the United Nations standards and norms, as reflected in the reports submitted by them, should be taken into consideration during the process of developing draft United Nations minimum rules for the administration of criminal justice. In this regard, it was suggested that the activities of the inter-sessional working group should be coordinated with those of the expert group that it was proposed to set up to review the changes to be made to the draft minimum rules (E/CN.15/1996/18).

14. Brazil considered the proposal to establish an inter-sessional working group to be a commendable initiative, as the issues involved were complicated, were concerned with different languages and legal systems, and called for a more accurate analysis.

15. Cyprus, supporting the idea of joint action to promote crime prevention and secure a better life for all, suggested that as a result of the establishment of an inter-sessional working group, the Commission should be in a better position to examine the reports prepared by Member States and other organizations, and to formulate recommendations and suggestions for further action in making the prevention of crime a reality.

16. Estonia supported the idea of establishing a working group to examine the reports. Moreover, in order to assist the Member States in implementation, it recommended the preparation of handbooks with annexes containing examples of law and practice in different States.

17. Finland had reservations about the establishment of an inter-sessional working group, at least until it was clear what kind of deficiencies existed in the current system for examining reports, and in what way the working group would be able to correct these deficiencies. Moreover, it noted that it might be more useful to try and collect information from those States which have not submitted reports than to analyse the reports already received, and suggested, for instance, that an effort should be made to try and find out why the number of replies concerning the independence of the judiciary had decreased.

18. Germany expressed reservations about setting up a working group and about whether the work of such a group, involving a substantial cost, would considerably improve the implementation of the relevant standards and norms. There might be other ways of helping countries to implement them, especially through training and the preparation of manuals and other training tools.

19. Greece considered it useful to establish an inter-sessional working group.

20. India considered that the establishment of an inter-sessional working group would facilitate progress towards the desired objectives.

21. Japan was not convinced of the necessity to establish an inter-sessional working group, as there were already sessional mechanisms available, which had been established to facilitate discussion of the issues by the Commission, including proper and thorough examination of relevant reports.

22. Mexico welcomed the establishment of an inter-sessional working group, as it would permit a better exchange of information, as well as an improvement of government practices in the use and application of the standards and norms.

23. Spain favoured the establishment of the inter-sessional working group and expressed its willingness to collaborate in its work.

24. In conclusion, most of the replies (10 out of 13) indicated support for the establishment of an inter-sessional working group on the use and application of United Nations standards and norms, given the complex and sensitive nature of the subject matter, involving intricate questions of law and procedure in different legal systems. It was considered important for such a body to review the following matters in detail: specific activities undertaken or envisaged for the promotion of the United Nations standards and norms; the nature and extent of the complementary and integrated action undertaken; and the status of global application of the relevant United Nations instruments and policy guidelines. The working group could thus foster the more effective exchange and dissemination of information and facilitate the work of the Commission in reviewing the periodic reports of the Secretary-General, in coordinating and proposing further action, and in encouraging the requisite assistance at the field level. States expressing reservations were mostly concerned about the matter of cost-effectiveness.

II. PROMOTION OF UNITED NATIONS STANDARDS AND NORMS IN CRIME PREVENTION AND CRIMINAL JUSTICE

A. Technical cooperation activities

25. Advisory services play an important role in the dissemination and implementation of United Nations standards and norms through the assistance provided to States in drafting new legislation, reforming national criminal codes, strengthening criminal justice systems and establishing crime prevention policies. Upon request by Governments, such services are provided by the two interregional advisers of the Crime Prevention and

Criminal Justice Division of the Secretariat. Their main task is to assist States in translating United Nations instruments into specific actions that take into account the economic, social, cultural and political circumstances of the States concerned.

26. In response to requests by Member States, the Division organized, coordinated and implemented a number of technical cooperation projects focusing on training for law enforcement officials, judges, prosecutors, prison officers and social workers. Through those training activities, the Division promoted the use and application of the United Nations standards and norms. Several seminars and workshops were devoted to the administration of juvenile justice; the treatment of prisoners, including new techniques of prison management and post-release treatment programmes; the prevention of corruption; extradition; mutual assistance in criminal matters; and the computerization of judicial systems. In this regard, the report of the Secretary-General on technical cooperation and coordination of activities provides additional details (E/CN.15/1997/17).

B. Development of training tools and teaching material

27. On the recommendation of the Commission, the Council, in its resolution 1994/18, requested the Secretary-General to promote the use and application of United Nations standards and norms in crime prevention and criminal justice as an important contribution to effective criminal justice systems, *inter alia*, by continuing the development of manuals and other forms of guidance for law enforcement officials and criminal justice personnel on the use and application of United Nations standards and norms in crime prevention and criminal justice. In pursuance of that mandate, as well as similar mandates set forth in previous resolutions, a number of activities have been undertaken.

1. Making standards work

28. At an international conference on the theme "Making standards work", sponsored by the Ministry of Justice of the Netherlands, organized by Penal Reform International and held at The Hague from 17 to 19 November 1994, it was decided that the Division and Penal Reform International would issue a joint publication entitled *Making Standards Work*.[8] The manual, produced with the assistance of the Ministry of Justice of the Netherlands, was designed to provide guidelines on the application of the Standard Minimum Rules for the Treatment of Prisoners. It represents an important tool for those working daily with prisoners, and assists prison management in its efforts to observe international standards.

29. The Council, in its resolution 1995/27, section III, invited the Secretary-General to distribute the manual among Member States for their use and consideration, and to seek their advice with a view to preparing a subsequent version of the manual for further consideration by the Commission. The following States sent communications in this regard: Austria, Canada, Chile, Holy See, Japan, Jordan, Spain and United States of America. Their comments are summarized below.

30. Austria stated that in the enforcement of its penal laws, full account had been taken of the provisions set forth in the United Nations Standard Minimum Rules for the Treatment of Prisoners. The manual was therefore of practical importance for the whole Austrian penal system.

31. Canada considered the manual to be a valuable contribution to international efforts in support of the implementation of the Standard Minimum Rules for the Treatment of Prisoners, since it provided a thoughtful analysis of the rules, as well as practical suggestions for action. Canada supported the preparation of a revised version of the manual, and made suggestions for its improvement. In particular, Canada proposed that systematic inmate surveys should be carried out to gather information about the perceptions and experiences of inmates, with a view to achieving improved prison conditions. With reference to the needs of individual prisoners for treatment, Canada supported the development and implementation of assessment instruments

designed to identify such needs, as well as the elaboration of individual correctional plans. As an example, Canada referred to the document entitled "Towards excellence in corrections", which emanated from the first and second international symposia on the future of corrections. In conclusion, Canada suggested that the Standard Minimum Rules for the Treatment of Prisoners should be annexed to the manual for easy reference, particularly since the rules are not discussed in numerical order.

32. Chile commended Penal Reform International for the manual, which provided the basis for the improvement of penitentiary practices. Particularly since Chile was in the process of reviewing some aspects of its penitentiary system, it welcomed the manual and supported its revision and its translation into Spanish.

33. The Holy See appreciated the good structure and the exhaustive nature of the manual. It suggested that the right to adequate nourishment should be inserted in addition to the already included right to health, and that the wording "freedom of religious belief" should be changed to "freedom of religion". With regard to the expulsion of illegal migrants, it questioned whether incarceration was the only or the most appropriate instrument to ensure future expulsion, and stressed the need to fix maximum periods of incarceration for them.

34. Japan was not in favour of the proposal to prepare a new version of the manual within the framework of the United Nations, in view of the financial constraints facing the Organization. However, Japan would support the revision of the manual, on the condition that Penal Reform International undertook the revision at its own expense. Despite its non-governmental origin, issuing the manual as a United Nations publication would be acceptable, if financed within existing resources. Moreover, while the manual contained detailed references to international standards on prison administration, it did not pay equal attention to the different laws and practices of each State.

35. Jordan welcomed the manual as a step towards achieving the reintegration of prisoners into society, after reforming and re-educating them. As confirmed by Arab field studies on the application of the Standard Minimum Rules for the Treatment of Prisoners in penal institutions in the Arab region, correctional centres in Jordan have been applying the rules to a very large extent. However, the manual should also consider the difficulties and obstacles faced by developing countries in applying the rules. The United Nations should therefore provide developing countries with adequate technical and financial assistance.

36. Spain confirmed that the recommendations included in the manual were being applied by the Spanish penitentiary administration. Some basic ideas were even identical to those proposed by the penitentiary administration and used in Spanish correctional institutions.

37. The United States of America was of the view that the manual provided helpful principles to States wishing to establish a correctional system or improve upon an existing penal system. However, it raised the problem of practicality regarding a number of provisions that it considered to go far beyond the guidelines set forth in the Standard Minimum Rules for the Treatment of Prisoners, or that needed further revisions, taking into account security and administrative concerns. In conclusion, the United States pointed out that extra-budgetary funding would be required to permit publication in the official languages of the United Nations.

2. Basic Training Manual for Correctional Workers

38. The *Basic Training Manual for Correctional Workers* was prepared and published in 1994 by the International Scientific and Professional Advisory Council (ISPAC) as part of the Luigi Daga project. It was based on the principle that a set of guidelines was necessary in order to reconcile two aspects underlying correctional systems the world over: safeguarding the rights of prisoners and recognition of the role of prison officers.

39. The *Manual* represents a significant contribution, promoted by the Division, to the training of correctional officers in different regions of the world. So far, it has been used for training of prison administrations in eastern European, African, Latin American and Caribbean countries.

40. In order to improve current training techniques, it seems useful to combine the approach followed by the *Basic Training Manual for Correctional Workers* with that of *Making Standards Work*. At the time of writing, discussions were under way for a possible meeting for that purpose.

C. Dissemination and publication of United Nations standards and norms

41. The definition of common, internationally recognized criteria and principles of desirable practice in the administration of criminal justice, the progressive harmonization of national legislations as well as the increasing convergence towards the adoption of common rules represent important preconditions for the promotion of human rights in the administration of justice and the effective prevention and control of crime worldwide. The United Nations standards and norms have been repeatedly acknowledged as instruments of great value to Governments in assessing their domestic legislation and improving their bilateral and multilateral cooperation in the field of criminal justice.

1. Meetings and seminars

42. The Division contributed to the dissemination of United Nations standards and norms in crime prevention and criminal justice by providing advisory assistance focusing on extradition and on the Model Treaty on Mutual Assistance in Criminal Matters (General Assembly resolution 45/117, annex). As regards the region of Asia and the Pacific, a working group on extradition and mutual assistance in criminal matters held its first meeting at the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders in Tokyo on 26 October 1996 and its second meeting at Seoul on 28 and 29 October 1996. Both meetings were attended by a representative of the Division. The discussion focused on the review of existing bilateral extradition and mutual assistance arrangements in the region and on an assessment of the adequacy of existing legislation and regulations, with a view to devising more modern practical extradition arrangements and examining the possibility of drafting a convention on extradition and mutual assistance for the region of Asia and the Pacific. The Division also participated in the Fifth World Conference on Crime Prevention and Criminal Justice of the Asia Crime Prevention Foundation, held at Seoul, from 30 October to 1 November 1996. Discussions were held on crime prevention and criminal justice problems requiring more effective regional cooperation in the region of Asia and the Pacific, on the role of criminal law in the protection of the environment, on extradition and mutual assistance in criminal matters and on control of drug offences through international cooperation.

43. United Nations standards and norms relating to juvenile justice were disseminated at several meetings attended by the Division in Austria, Italy, Senegal, Swaziland and Sweden. The Division attended the World Congress against Commercial Sexual Exploitation of Children, which was held at Stockholm from 27 to 31 August 1996, and which adopted a Declaration and Agenda for Action outlining a commitment by Governments to put an end to child prostitution and child pornography. The Division was mentioned in the Agenda for Action as one of the cooperating partners. The Division also attended the Innocenti Global Seminar on Children and Families of Ethnic Minorities, Immigrants and Indigenous Peoples, organized by the United Nations Children's Fund (UNICEF) and held at the International Child Development Centre at Florence, Italy, from 7 to 15 October 1996. Discussions were held on children in conflict with the law, with particular emphasis on children of ethnic minorities and indigenous peoples as well as immigrant children. Furthermore, discussions on the subject of minorities in detention resulted in recommendations that UNICEF should explore possibilities of cooperation with the Division in the area of juvenile justice. A representative of the Division addressed the twenty-first *Tagung der Oesterreichischen Jugendrichter* (meeting of Austrian juvenile court justices) on the work of the Division in the field of juvenile justice, held in Austria in October 1996. The Division participated

in a meeting on juvenile justice organized by Save the Children Fund (United Kingdom of Great Britain and Northern Ireland), co-sponsored by Rädda Barnen International (Save the Children Federation) (Sweden), and held at Mbabane, Swaziland, from 28 to 31 October 1996. Its purposes were to examine the status of the practical implementation of the Convention on the Rights of the Child (General Assembly resolution 44/25, annex) in the African region and to provide input to the activities of the Division in the field of juvenile justice.

44. Furthermore, the Division attended the first round-table meeting of donors organized by the Ministry of Justice of Albania at Tirana in September 1996. As a result, it was requested to prepare a project document for the creation of a master plan for the Ministry of Justice of Albania for the years 1997-2000, aimed, *inter alia*, at the implementation of standards and norms in crime prevention and criminal justice. During the European Policing Executive Conference, which brought together senior police officers from Europe and North America, at Rotterdam, Netherlands, in May 1996, the Division made a major statement on country policing.

45. The Division also took part in a seminar, organized by the Latin American Institute for the Prevention of Crime and the Treatment of Offenders and the European Commission on the theme "Criminal justice: the challenge of penitentiary overpopulation", held at San José, from 3 to 7 February 1997. Relevant United Nations standards and norms such as the Standard Minimum Rules for the Treatment of Prisoners and the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) (General Assembly resolution 45/110, annex) were highlighted at the seminar.

46. The Division, in cooperation with the Government of Austria, organized at Vienna from 23 to 25 February 1997, an expert group meeting on the elaboration of a programme of action to promote the effective use and application of international standards and norms in juvenile justice, using extrabudgetary resources made available by the Government expressly for that purpose. The results of the meeting are reflected in the report of the Secretary-General on the administration of juvenile justice (E/CN.15/1997/13).

47. The Division participated in two expert group meetings organized with the aim of elaborating a draft manual or draft manuals on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, to be submitted to the Commission for consideration at its sixth session, in accordance with Council resolution 1996/14. The first meeting, hosted by the Office for Victims of Crime of the Department of Justice of the United States of America, was held at Tulsa, Oklahoma, from 10 to 12 August 1996. In order to elaborate a final text of the manual, a second meeting was organized by the Ministry of Justice of the Netherlands at The Hague from 5 to 7 March 1997. Further details on the subject are contained in a note by the Secretary-General on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (E/CN.15/1997/16).

2. Publications

48. In pursuance of Council resolutions 1995/13 and 1996/16, additional reprinting of the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*[9] has been undertaken in Arabic (100 copies) English (500), French (150), Russian (100) and Spanish (400). As a follow-up to the publication of the Portuguese version of the *Compendium*, the Government of Portugal ensured the distribution of a total of 5,000 copies in Portuguese. Further, the Government of India reprinted the *Compendium* in English for wide circulation in the criminal justice system of India, and particularly to training institutions. A translation into Hindi is being completed. The Government of Mexico has generously agreed to reprint and publish the *Compendium* in Spanish, with a view to reinforcing the crime prevention activities of the different public institutions. In spite of the reprints, there is always a shortage of the *Compendium* because of its high demand for training activities, carried out either by the Division or by other agencies. Funds are continuously being sought for additional reprints.

49. The publication of training manuals, the *Crime Prevention and Criminal Justice: Newsletter*, and similar handbooks is also an important means of promoting the use and application of United Nations standards and norms in crime prevention and criminal justice and of disseminating important reference material, especially for law enforcement officials and criminal justice personnel.

50. The Division prepared a handbook entitled *United Nations Criminal Justice Standards for Peace-keeping Police* (the so-called Blue Book). The handbook provides a compact overview of relevant international standards and norms in criminal justice, human rights and humanitarian law for the use of the civilian police components of United Nations peace-keeping operations and for those with monitoring functions in the field of criminal justice. It was published in Arabic, English and French in 1994 and in Spanish in 1996. A combined English-Croatian text was prepared in 1996. In addition, a Portuguese translation has been provided, thanks to the Government of Portugal, and sent for distribution to peace keepers in Mozambique. As a follow-up to the handbook and as recommended by the Commission, a project has been jointly undertaken by the Division, the United Nations Interregional Crime and Justice Research Institute (UNICRI) and the International Centre for Criminal Law Reform and Criminal Justice Policy at Vancouver, British Columbia, Canada, to prepare a study on the role, preparation and performance of civilian police in United Nations peace-keeping operations.

51. On a yearly basis, the Division publishes the *International Review of Criminal Policy*. In its 1995 issue,[10] the *Review* contained commentaries on the Model Treaty on Extradition (General Assembly resolution 45/116, annex) and on the Model Treaty on Mutual Assistance in Criminal Matters. The importance of the United Nations model treaties in crime prevention and criminal justice lies in their function as a basis for bilateral or multilateral negotiations to enhance international cooperation. Furthermore, they provide a frame of reference for States wishing to improve their cooperation in criminal matters. In this way, the publication provides commentaries to assist States in implementing the relevant model treaties. It also contributes to maximizing the effectiveness of international cooperation and national action in the fight against crime.

52. In pursuance of Council resolution 1996/12, the publication entitled *Strategies for Confronting Domestic Violence: a Resource Manual*[11] has been translated into French. In addition, a translation into Russian is being completed, thanks to the generous support of the Government of the Russian Federation and of the European Institute for Crime Prevention and Control, affiliated with the United Nations. The *Manual* has also been recently translated into Spanish, thanks to the support of the office of the United Nations Development Programme (UNDP) in Mexico, and is widely used for training purposes by grass-roots organizations. Extrabudgetary funds are being sought for its publication and distribution.

53. In collaboration with the Institute for Education of the United Nations Educational, Scientific and Cultural Organization, the Division prepared a manual entitled *Basic Education in Prisons*.[12] The manual provides a basis for the further development of prison education, and will facilitate the exchange of expertise and experience in this aspect of penitentiary practice among Member States.

54. In accordance with Council resolution 1996/16, the Secretariat has started to fulfil its mandate to widely disseminate, via the World Wide Web database facility of the United Nations Crime and Justice Information Network (UNCJIN), the relevant United Nations instruments, including the texts of the Standard Minimum Rules for the Treatment of Prisoners, the Code of Conduct for Law Enforcement Officials, the Basic Principles for the Use of Force and Firearms by Law Enforcement Officials, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the Basic Principles on the Independence of the Judiciary, as well as the reports of the Secretary-General on the use and application of those United Nations standards and norms in crime prevention and criminal justice (E/CN.15/1996/16/Add.1-4). In addition, work is under way to make the text of the entire *Compendium* available on the World Wide Web.

D. Coordination of activities

55. Efforts to enhance effective cooperation and coordination of activities of United Nations bodies in the use and application of United Nations standards and norms should contribute to more effective and humane responses to criminality.

56. In addition to the special attention given to enhancing collaboration between the Division and entities comprising the United Nations Crime Prevention and Criminal Justice Programme network, in particular the interregional and regional institutes, as well as other relevant entities within the United Nations system, cooperative arrangements have continued to emphasize coordination of activities with the Office of the United Nations High Commissioner for Human Rights, as well as with relevant intergovernmental and non-governmental organizations, pursuant to Council resolution 1996/16.

1. United Nations human rights programme

57. The policy-making bodies of the United Nations have on various occasions emphasized the need for coordination and concerted action between the Division and the United Nations human rights programme. Moreover, the close interrelationship between the fair administration of justice and respect for human rights and fundamental freedoms has been proven to be undeniable. It is therefore essential to continue to coordinate the activities of the two separate programmes within the United Nations system, in order to enhance the effective use and application of the United Nations standards and norms in crime prevention and criminal justice as well as in the field of human rights.

58. The Council, in its resolution 1996/16, requested the Secretary-General to continue to coordinate the activities related to the use and application of standards and norms between the Division and, in particular, the Office of the United Nations High Commissioner for Human Rights.

59. Equally, the Commission on Human Rights, at its fifty-second session, adopted a number of resolutions stressing the importance of close cooperation and coordination of the activities of both the Commission of Human Rights and the Commission of Crime Prevention and Criminal Justice.

60. In its resolution 1996/28, on the question of arbitrary detention, the Commission on Human Rights requested the Working Group on Arbitrary Detention to continue to investigate cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards, and encouraged States to take appropriate measures in order to ensure that their legislation is in conformity with the relevant international instruments.

61. In its resolution 1996/32, on human rights in the administration of justice, in particular of children and juveniles in detention, the Commission on Human Rights recognized the central role of the administration of justice in the promotion and protection of human rights. It emphasized the importance of coordinating the activities in the field of the administration of justice carried out under the responsibility of the Commission on Human Rights with those under the responsibility of the Commission on Crime Prevention and Criminal Justice. It also urged the United Nations High Commissioner for Human Rights to strengthen coordination in the field of advisory services and technical assistance with, *inter alia*, the United Nations Crime Prevention and Criminal Justice Programme.

62. In its resolution 1996/33 A, on torture and other cruel, inhuman or degrading treatment or punishment, the Commission on Human Rights emphasized the importance of, *inter alia*, the Standard Minimum Rules for the Treatment of Prisoners, the Code of Conduct for Law Enforcement Officials and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power for the eradication of torture. In its resolu-

tion 1996/33 B. the Commission on Human Rights considered it desirable that the Special Rapporteur on torture should continue to exchange views with the relevant human rights mechanisms and bodies, and should pursue cooperation with relevant United Nations programmes, notably the United Nations Crime Prevention and Criminal Justice Programme.

63. In its resolution 1996/34, on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, the Commission on Human Rights underlined the importance of, *inter alia*, the Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers[13] and the Guidelines on the Role of Prosecutors,[14] and invited Governments to take them into account within the framework of their national legislation and practice. It also welcomed the numerous exchanges that the Special Rapporteur on the independence of judges and lawyers had had with several intergovernmental and international organizations and United Nations bodies, and appreciated his determination to achieve as wide a dissemination as possible of information about existing standards relating to the independence and impartiality of the judiciary.

64. In its resolution 1996/35, pursuant to internationally proclaimed human rights principles, the Commission on Human Rights called upon the international community to give increased attention to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms.

65. The Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights, at its forty-eighth session, adopted several resolutions and decisions on issues of mutual interest between the United Nations Crime Prevention and Criminal Justice Programme and the human rights programme. Primary attention was paid to issues such as violence against women migrant workers (resolution 1996/10), sexual slavery during periods of armed conflict (resolution 1996/11), other contemporary forms of slavery, violence against women, traffic in women and children, child pornography and traffic in human organs and tissues (resolution 1996/12), the question of the impunity of perpetrators of violations of human rights (resolution 1996/24), the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms (resolution 1996/28) and the right to a fair trial (resolution 1996/29).

66. On the issue of the impunity of perpetrators of violations of human rights, the Subcommission entrusted two Special Rapporteurs with the preparation of studies on the question of impunity related, respectively, to economic, social and cultural rights, and to civil and political rights. In its resolution 1996/24, the Subcommission examined the second interim report on the first aspect of the issue (E/CN.4/Sub.2/1996/15), as well as the final report on the second aspect (E/CN.4/Sub.2/1996/18). Moreover, in the light of the latter report, and in particular of the set of principles annexed thereto for the protection and promotion of human rights through action to combat impunity, the Subcommission decided to request the Special Rapporteur to submit a revised version of those principles at its forty-ninth session. That would be an area in which the expertise and experience of both programmes might be further developed.

67. The former Special Rapporteur of the Subcommission on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms submitted a revised set of basic principles and guidelines on the right to reparation for victims of gross violations of human rights and humanitarian law (E/CN.4/Sub.2/1996/17), for the preparation of which he had been provided with documentation prepared by the Division.

68. The close interrelationship between effective promotion of and respect for human rights and implementation of the United Nations standards and norms in crime prevention and criminal justice has been emphasized in the reports of the special rapporteurs on human rights questions, including the Special Rapporteurs on the question of torture and other cruel, inhuman or degrading treatment or punishment; on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers; on

extrajudicial, summary or arbitrary executions; and on the sale of children, child prostitution and child pornography.

2. Non-governmental organizations

69. In view of the important role of non-governmental organizations in contributing to the effective use and application of United Nations standards and norms in crime prevention and criminal justice, extensive cooperation between the Secretariat and non-governmental organizations has been consistently maintained, and various joint endeavours have already been highlighted above and in other reports, in connection with the activities of ISPAC (E/CN.15/1997/18). Two other initiatives are summarized below, as examples of joint initiatives in which the efforts of each party were maximized through the collaboration of other partners.

70. One of the interregional advisers attended the First General Conference of the International Association of Prosecutors, held at Budapest from 18 to 22 September 1996. The International Association was established at Vienna in June 1995 as a result of an increasingly perceived need for an international organization that would reflect the crucial role of prosecutors in the criminal justice system and assist them in the discharge of their duties in the fight against crime.

71. In its constitution, the International Association of Prosecutors has as one of its main objectives the promotion of the principles and aims of the United Nations in the area of criminal justice, in particular those set forth in the Guidelines on the Role of Prosecutors. During its First General Conference, discussions were held on future joint activities with the Division in the field of technical assistance, with emphasis on corruption and organized crime.

72. Pursuant to General Assembly resolution 44/59, the World Youth Forum of the United Nations system held its second session at Vienna from 24 to 29 November 1996. During its proceedings, a working group on youth delinquency and juvenile justice was established, the efforts of which culminated in the adoption of the Vienna Declaration on Youth Crime Prevention and Juvenile Justice. In the Declaration, the working group recommends, *inter alia*, the establishment of a global networking system in the field of youth crime prevention and juvenile justice to improve communication among young people, non-governmental and intergovernmental organizations, Governments and United Nations agencies, and to spread knowledge about the United Nations system and its functioning, especially with regard to youth crime prevention and juvenile justice. The results of the World Youth Forum have been included in the report of the Secretary-General on the implementation of the World Programme of Action for Youth to the Year 2000 and beyond (A/52/60), to be submitted to the General Assembly at its fifty-second session, through the Commission for Social Development.

III. CONCLUDING REMARKS AND ACTION REQUIRED OF THE COMMISSION

73. Previous deliberations on the United Nations standards and norms in crime prevention and criminal justice have established that effective implementation can only be achieved through the wide dissemination and promotion at the international, national and regional levels (E/CN.15/1992/4/Add.4, E/CN.15/1993/6, E/CN.15/1994/7, E/CN.15/1995/7 and E/CN.15/1996/16.

74. The United Nations standards and norms have been used by Governments in adopting relevant legislation, practices, policies and programmes, often with the collaboration of regional or local authorities, non-governmental organizations and other interested parties.

75. Pursuant to Council resolution 1996/16, a variety of measures could be taken towards further improving the efficacy of the use and application of United Nations standards and norms in crime prevention and criminal justice. Such measures are outlined below.

A. Strengthening the role of the Commission

76. In view of the mandate contained in Council resolution 1996/16, paragraph 7, with regard to the desirability of establishing an inter-sessional working group, and taking into account the replies received from Member States, the Commission may wish to consider the various options available, also in the context of its search for improving its methods of work, as reflected in its relevant resolutions on strategic management (E/CN.15/1997/19). In this regard, the Commission may, alternatively, wish to consider the establishment of a pre-sessional or post-sessional working group, which should meet directly before or after sessions of the Commission.

77. In accordance with the same resolution, paragraph 5, and taking into account the appreciation expressed by the Commission for the surveys on the use and application of the United Nations standards and norms, the Commission may wish to consider further follow-up action, including reiterating its requests to Governments that have not yet replied to the four questionnaires to submit their replies, so that the information could be summarized, State by State, and the country reports disseminated via the World Wide Web database facilities of the United Nations Crime and Justice Information Network.

78. The Commission may wish to decide how best to review the report on the use and application of United Nations standards and norms in the field of juvenile justice, which will be submitted to the Commission at its seventh session.

79. In view of the decision of the Council, in its resolution 1995/13, paragraph 4, that the Commission at its sixth session should consider the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), the Guidelines on the Role of Prosecutors and the Basic Principles on the Role of Lawyers, the Commission may wish to request the Secretariat to prepare the relevant survey instruments for submission at its seventh session.

80. In view of the results of the expert group meetings on victims of crime and abuse of power in the international setting, which prepared on outline of a draft manual on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the Commission may wish to invite Member States to make relevant proposals regarding the elaboration of a plan of action to promote effective implementation of the Declaration as well as the use of the proposed manual.

B. Enhancing cooperation and coordination of activities

81. The Commission may wish to adopt measures to further improve cooperation and coordination between the Division and the Centre for Human Rights, not only to avoid overlapping in the implementation of their respective programmes, but also to reinforce the existing collaboration.

82. The Commission may also wish to coordinate its activities with other relevant entities, in particular through joint meetings of the chairpersons and members of the bureaux of the entities concerned.

C. Improving the dissemination of publications

83. In view of the need for further coordination and concerted action in translating the standards and norms into practice, the Commission may wish to invite Governments to ensure the promotion and widest possible

dissemination. in their national languages, of the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice.*

84. The Commission may wish to consider ways in which the publication *Strategies for Confronting Domestic Violence: a Resource Manual* may be financed, so as to ensure wider dissemination in all official languages of the United Nations in adequate numbers, in the light of the recognition by States of its practical utility and their consistent demand for it.

D. Additional measures at the national level

85. The Commission may wish to recommend the establishment at the national level of relevant authorities or focal points charged with the task of promoting the widest possible use and application of United Nations standards and norms, and of coordinating the work of the relevant ministries and offices.

86. The Commission may wish to call upon Member States to make available additional funds for technical cooperation activities geared towards the further use and application of United Nations standards and norms in crime prevention and criminal justice

Notes

[1]*First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I, sect. A.

[2]General Assembly resolution 34/169, annex, of 17 December 1979.

[3]*Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.2, annex.

[4]General Assembly resolution 40/34, annex.

[5]*Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2, annex.

[6]*Official Records of the Economic and Social Council, 1996, Supplement No. 10* (E/1996/30), chap. VI, paras. 127 and 137.

[7]*Eighth United Nations Congress* ..., chap. I, sect. C.

[8]*Making Standards Work* (The Hague, Penal Reform International, March 1995).

[9]United Nations publication, Sales No. E.92.IV.1 and corr.1.

[10]*International Review of Criminal Policy*, Nos. 45 and 46 (United Nations publication, Sales No. E.96.IV.2).

[11]ST/CSDHA/20.

[12]United Nations publication, Sales No. 95-IV-3.

[13]*Eighth United Nations Congress* ..., chap. I, sect. B.

[14]Ibid., sect. C, resolution 26.